

CC TO JUDGE PM

HONORABLE ROBERT S. LASNIK

*[Signature]*  
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 AT SEATTLE  
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 BY WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE

FEDERAL TRADE COMMISSION,

NO C00-1806L

Plaintiff,

DECLARATION OF JOEL R. DICHTER IN  
 SUPPORT OF THE EFO DEFENDANTS'  
 MOTION FOR SUMMARY JUDGMENT

vs

CYBERSPACE COM, LLC, FRENCH  
 DREAMS, COTO SETTLEMENT,  
 ELECTRONIC PUBLISHING  
 VENTURES, L L C , OLYMPIC  
 TELECOMMUNICATIONS, INC , IAN  
 EISENBERG and CHRIS HEBERD,



CV 00-01806 #00000125

Defendants

Joel R. Dichter declares as follows

1 I am a member of the firm of Klein, Zelman, Rothermel & Dichter, L L P ,  
 which represents defendants Ian Eisenberg, French Dreams and Olympic Telecommunications  
 (the "EFO" defendants) in the above-captioned action I am over eighteen years of age,  
 competent to testify to the matters stated in this declaration, and make this declaration from  
 personal knowledge of those matters

2 On Saturday, March 2, 2002, I received a direct mail check promotion in  
 the mail It was delivered to my home address and was sent by Chase Bank

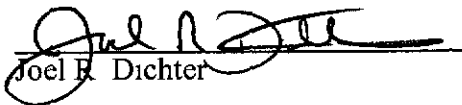
3 The entire contents of the envelope is attached hereto as Exhibit A. The  
 document is a single page with the check on top

DECLARATION OF JANE B. JACOBS IN  
 SUPPORT OF THE EFO DEFENDANTS'  
 MOTION FOR SUMMARY JUDGMENT

NEWMAN & NEWMAN, ATTORNEYS AT LAW, LLP  
 1001 Fourth Avenue Plaza, Suite 2560  
 Seattle, Washington 98154  
 phone (206) 624-6334  
 fax (206) 624-6348

1  
2 I certify and declare under the penalty of perjury under the laws of the State of New York  
3 that to my knowledge the foregoing is true and correct

4 Executed this 6<sup>th</sup> day of March 2002, at New York, New York

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**DECLARATION OF JANE B. JACOBS IN  
SUPPORT OF THE EFO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

00049598,1

January 24, 2002

Wood Allen, March 11, 1902

Pay *Four Dollars and No Cents* \$\*\*\*4.00

**Pay To The  
Order Of  
Bearer Or:** **\*\*\*\*\*AT 10\*\* DIGIT 00**  
**CAPSTON**  
**141 R. DuBois**  
**34 Maplewood Way Du**  
**Greensboro NC 27402**

*Joseph F. Wilson.*

№ 2680370798 № 10710005051 5800102856 №

**JOEL R. DICHTER**  
**AS A CHASE CARDMEMBER, YOU ARE**  
**ELIGIBLE FOR AN INSTANT CASH REWARD.**  
**BE SURE TO CASH THE ENCLOSED**  
**CHECK BY MARCH 11, 2002!**

Access # 2680370798

Dear Joel R Dichter

**The enclosed check with your name on it is real!** It's our special way of welcoming you to the money-saving discounts you can get on clothing, personal care items, eyewear, fitness and health products and even more available through *essentials*<sup>SM</sup>

**essentials** is an exclusive savings program that will allow you to take advantage of some of the best things in life without having to break the bank to enjoy them.

**\$4.00 CHECK ENCLOSED!**

Just cash or deposit the enclosed check, and you'll be able to receive discounts and services available from *essentials* — the \$4 00 Instant Cash Reward is yours to keep. It's our gift to you for trying *essentials* risk-free for 30 days.

## SAVE MONEY!

The *essentials* program offers money-saving benefits on products the Dichter Family use often. Take a look at just a few.

- **Save on fashion merchandise.** Be rewarded for purchases at major retailers — including Target, Foot Locker, Dillard's, Crabtree & Evelyn, Dress Barn and more — with gift certificates purchased through *essentials*
- **Magazine subscription.** You can receive a magazine subscription to a popular fashion or fitness magazine
- **Up to 50% off retail prices on eyewear.** Enjoy savings on fashion frames and prescription lenses at over 9,000 participating eyewear centers nationwide

- **Magazine subscription.** You can receive a magazine subscription to a popular fashion or fitness magazine

- **Up to 50% off retail prices on eyewear.** Enjoy savings on fashion frames and prescription lenses at over 9,000 participating eyewear centers nationwide

(over, please)

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**THE RIGHT RELATIONSHIP IS EVERYTHING®**

60379

**Cash or Deposit This Check Before  
Void Date Shown On Other Side**

Please send me in the *essentials*™ membership program as soon as possible by return mail. I understand that after 30 days, the \$79.95 first year's membership fee will be automatically charged to my Chase credit card account unless I call to cancel. To ensure continuous service each year, *essentials*™ will be automatically renewed at the then-current renewal fee and charged to my Chase credit card account as long as my account is open and in good standing and for as long as I wish to remain a member. I understand that I need not provide my account number for my account to be billed. I may cancel any time to discontinue the service for any reason and receive a pro-rated refund of my then-current paid annual membership fee. The \$400 check is mine to keep, regardless.

Signature \_\_\_\_\_

- **Get a professional Estee Lauder makeover and gift.** Through *essentials*™ you can even enjoy a one-on-one beauty makeover and gift at Dillard's
- **Save on spa services.** Pamper yourself or someone special – at prices that are surprisingly affordable
- **Get up to \$40 in rebates on haircuts.** Continue to use your usual salon, send us your receipts and we'll send you a check for up to \$10 quarterly (up to \$40 per membership year)
- **Savings while you stay fit.** There's no need to pay full price to stay fit! Through the *essentials* program you can receive up to 10% off purchases from the Workout Warehouse catalog and even receive a special offer for first-time students at Jazzercise classes
- **Home furnishings for less.** Save on the furnishings and accessories of your choice at stores like Pier 1 Imports, when you use gift certificates purchased from us

These are only a few examples of how the *essentials* program can save you money. You'll find out all the ways to save when your *essentials* Welcome Kit arrives. To start your membership and receive your Welcome Kit and complete details on how to take advantage of your exclusive *essentials* savings, simply cash or deposit the enclosed \$4.00 check – your gift for trying *essentials*. But you don't have to wait until your kit arrives to start saving money. You may access your benefits about 5-10 business days after you've cashed your check by calling Membership Services at 1-888-593-5216.

#### **RISK-FREE TRIAL!**

After your 30-day trial, you don't have to do a thing to extend the *essentials* program to a full year. If you're not satisfied with the savings, simply call the toll-free number above to cancel during your trial period – you will have paid nothing and owe nothing. Unless we hear from you, your Chase credit card account will be automatically charged just \$79.95 as long as your account is open and in good standing. (The \$4.00 is yours to keep, even if you decide not to extend to a full year.) To ensure continuous service, your *essentials* membership will be automatically renewed each year and charged to your Chase credit card account at the then-current year's membership fee.

#### **SATISFACTION GUARANTEED**

This special *essentials* risk-free offer is another way you benefit from being a Chase cardmember. We are sure that the savings and value you can enjoy with the *essentials* program will be of the same high quality you receive from Chase. In fact, we're so confident your satisfaction is guaranteed. If you're not completely satisfied with *essentials*, you can call Membership Services to cancel at any time for a pro-rated refund of your then-current annual fee.

Sincerely,

*Jennifer Anderson*

Jennifer Anderson  
Membership Director  
*essentials*

P.S. Simply cash or deposit your \$4.00 check today – you'll be happy you did!

MemberWorks® and its benefit providers, as applicable, are solely responsible for providing the *essentials* program. Neither MemberWorks or any benefit provider is affiliated in any way with Chase Manhattan Bank USA. Chase USA and its corporate affiliates are not responsible or liable for the *essentials* program in any way.

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